

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

4/30/99

**SUBJECT:** Vacation of Right-of-Way VA 4-1-99

**APPLICANT:** Town of Davie, Petitioner

**ADDRESS/LOCATION:** Portion of NW 38 Street/Generally located approximately 330 feet east of NW 74 Avenue

**REQUEST:** To vacate 24 feet of a 50 foot road right-of-way south of the subdivision platted as "Stirlingwood II".

**EXHIBITS TO BE INCLUDED:** Vacation application, subject site map, planning report, and aerial.

**ANALYSIS:** The subject site is approximately 7,872 square feet in area and is a 24 foot wide by 328 foot long right-of-way designated for NW 38 Street. The Site runs parallel along the southern Limits of the "Stirlingwood II" plat and is bound on the north, south, and west by multi-family residential development either existing or under construction zoned RM-16, and on the east by utility use zoned U.

Review of a vacation of right-of-way request involves a determination of whether or not the application will adversely affect access to neighboring properties or will be in contrast with the public interest.

The developed roadway for NW 38 Street lies within the south half of the existing 50 foot right-of-way. The Town desires to vacate the excess right-of-way to discourage dumping activity in the area. Vacation of this area will allow the adjacent property owners to fence the property.

All affected agencies have been notified, and no objections to the vacation request have been received at this time. The applicant has indicated the area proposed for vacation will remain as a landscape bufferyard to the adjacent community. As such, the proposed vacation does not adversely affect surrounding properties and may be considered consistent with the public interest.

**RECOMMENDATION:** The Planning and Zoning Division recommends **APPROVAL** of the requested vacation of right-of-way.

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **APPROVAL** (5-0), April 28, 1999.

VA 9-1-99

(ALL INFORMATION MUST BE TYPED)

TOWN OF DAVIE  
PETITION FOR RIGHT OF WAY  
VACATION/ABANDONMENT  
(Sec. 14-F of Charter)

DATE FILED: April 12, 1999 FEE PAID: Town of Davie is Fee-Exempt

I/~~WE~~ Robert D. Rawls, Interim Town Administrator, do solemnly swear that

~~XX~~ We are the owners of the following described property:

Address: Town of Davie Public Right-of-Way (R/O/W) located at the rear of Stirling Rd. Apts  
R/O/W is on NW 38th Street

Legal Description: See Attached Legal Description and Sketch

SAID LANDS SITUATED AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY,  
FLORIDA.

~~XX~~ We hereby petition the Town of Davie to vacate and abandon the right-of-way adjoining  
my/our property, described as:

See Attached Legal Description and Sketch. This is a 30 foot R/O/W of which the Town  
will retain six (6) feet from the edge of pavement, and a 10 foot utility easement as noted  
on the attached sketch.

Reason for vacation: The Town has determined that this property currently serves no  
public purpose; therefore, wishes to retain only a six foot swale area and easement. The  
adjacent 24 feet can then be integrated into the rear of Stirling Road Apartments & fenced.  
I understand that one-half of the property will go to the abutting owner if there is an abutting  
owner.

All existing recorded easements should remain in full force and effect.

If the applicant is granted, the applicant will rebuild, at his own expense, all pavements,  
sidewalks, drainage installations, utility lines, or facilities as may be required by the Town  
Council.

I agree to pay all costs - minimum of Town of Davie is Fee-Exempt  
COMPLETE EXHIBIT "A"

\*\*\*\*\*

Date submitted to Town Council \_\_\_\_\_

Planning and Zoning Board Meeting date: 4/28/99

Planning and Zoning Board recommendations:

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ with the following comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Council Public Hearing Date: 5/5/99

Town Council approved \_\_\_\_\_ or disapproved \_\_\_\_\_

EXHIBIT "A"

This is to certify that I am the owner of the described property; and that I have authorized the filing of the aforesaid request for .  
I understand that I or my authorized agent must be present at the public hearing to present the request to the Board.

OWNER'S NAME(S) Town of Davie

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

Robert D. Rawls  
Robert D. Rawls, Interim Town Administrator

ADDRESS (CITY, STATE, ZIP)

6591 Orange Drive, Davie, Florida 33314

PHONE

(954) 797-1030

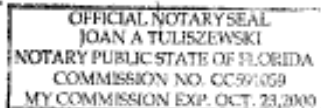
The foregoing instrument was acknowledged before me this 15 day of April  
1999, by Robert Rawls who is personally known to me or who  
has produced \_\_\_\_\_ as  
identification and who did take an oath.

NOTARY PUBLIC:

Sign: Joan A. Tuliszewski

Print: Joan A. Tuliszewski

My Commission Expires:



THE FOLLOWING MUST BE COMPLETED IF OWNER IS TO BE REPRESENTED BY AGENT.

This is to certify that I am the owner of the described property; and that I have authorized the filing of the aforesaid request for vacation of 24' R/O/W on NW 38th Street, east of 7th Ave. I understand that I or my authorized agent must be present at the public hearing to present the request to the Board.

Town of Davie, Florida

OWNER'S NAME(S)

NOT APPLICABLE

Robert D. Rawls, Interim Town Administrator

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

6591 Orange Drive, Davie, Florida 33314

ADDRESS (CITY, STATE, ZIP)

(954) 797-1030

PHONE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

My Commission Expires:

**LEGAL DESCRIPTION FOR  
VACATION OF A PORTION OF RIGHT-OF WAY  
FOR N.W. 38TH STREET**

A portion of Tract 4 of "A.J. Bendle Subdivision" in Section 3, Township 51 South, Range 41 East according to the plat thereof as recorded in Plat book 1, at page 27 of the public records of Dade County Florida and also known as N.W. 38th Street, a 30 foot right-of-way dedication as per "Stirlingwood II" according to the plat thereof as recorded in Plat Book 105, at Page 2 of the public records of Broward County Florida, described as follows:

Commence at the Southwest corner of Tract 4 thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet to a point; thence run North a distance of 6.00 feet to the Point of Beginning. Continue North a distance of 24.00 feet to a point, also being the Southwest corner of Tract "B" of "Stirlingwood II", thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet along the South line of Tract "B" to a point, thence run South a distance of 24.00 feet to a point, thence run S. 89 degrees 12' 00" W. a distance of 328.02 feet to the Point of Beginning.

**SKETCH OF DESCRIPTION  
VACATION OF A PORTION OF RIGHT-OF-WAY  
FOR N.W. 38TH STREET**

